



COUNTY OF ORANGE

RESOURCES & DEVELOPMENT MANAGEMENT DEPARTMENT

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Mr. Mark Adelson
California Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348

Subject: Comments on Initial Draft 2006 Basin Plan Triennial Review Priority List

Dear Mr. Adelson,

The County of Orange Resources and Development Management Department (RDMD) is pleased to submit these comments on the draft priority list of basin planning issues to be considered for review during the next three years. We understand that the triennial review process provides a roadmap for future planning actions, but that the Regional Board's resources are limited. As you are aware, the County, in conjunction with San Bernardino and Riverside Counties, has been an active participant in ongoing efforts to address water quality issues and impairments within the region through the Storm Water Quality Standards Task Force (SWQSTF), and we appreciate the Regional Board's efforts to facilitate these processes and to work with stakeholders. In this spirit, we believe that the current triennial review cycle offers an opportunity for all stakeholders to continue to work together to address several major issues related to water quality standards contained and implemented via the Basin Plan. It is our hope that the current SWQSTF can address additional issues upon completion of its current activities. Alternatively, new stakeholder groups could be used to address a number of items identified on the priority list. We are committed to working with the Regional Board and your staff to assure that water quality standards are appropriately protective of the Region's water bodies.

Our specific comments address three main areas as outlined below:

- 1) Efficient use of limited resources - As currently proposed, the Regional Board's triennial review list would require 36.8 PY over a three-year period. However, we understand that Regional Board staff believes that these resource allocations may be underestimated, and that significantly more resources may be required to accomplish the tasks detailed in the list. As discussed above, we encourage the Regional Board to utilize current stakeholder groups such as the SWQSTF and the Nitrogen and Selenium Management Program (NSMP) or other newly convened stakeholder groups to supplement resources for Basin Plan review items.

The SWQSTF is currently considering beneficial use assignments and water quality objectives for recreational activities. A number of additional items may fall within the purview of the SWQSTF, and could potentially be incorporated into the future activities of this Task Force, including:

- a. Items 15 a-f, involving the addition of new waters to the triennial review list and the assignment of beneficial uses for those waters. Since the SWQSTF is currently evaluating recreational beneficial uses as part of its ongoing activities, the assignment of REC-1, REC-2, and any other related uses for these channels should be addressed by the SWQSTF.
- b. Item 13.1 a, to add COMM as a use to appropriate lakes, reservoirs, and streams. Fishing may be more properly specified in the COMM beneficial use category, rather than in the REC-1 category, but may trigger the application of CTR objectives for fish consumption.
- c. Items 13.1 b, c, and d; Items 13.2 a-g; Items 13.3 h and i. These items involve adding beneficial use designations to water bodies already named in the Basin Plan; adding new reaches and assigning appropriate beneficial uses; and changing beneficial uses for select water bodies.
- d. Item 14, removing Laguna and Lambert Reservoirs from the Basin Plan and add beneficial uses to remaining creeks.
- e. Items 15 a-f and 16. These items involve adding new waters and associated water quality standards to the Basin Plan.
- f. Item 19, revision of Chapter 3 Beneficial Use tables narrative to incorporate Tributary Rule.

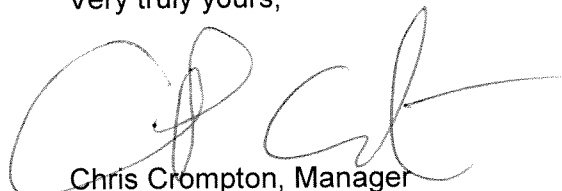
Additionally, other stakeholder processes may form the most appropriate means for addressing additional issues included in the list, as follows:

- g. Item 7 (develop/revise nutrient objectives for the region) and Item 8 (add a water quality objective narrative regarding excessive growth of macrophyte aquatic plants). The existing Nitrogen Selenium Management Program (NSMP) Working Group is currently evaluating nitrogen concentrations, loads, and management strategies for flows into Newport Bay and flows within its tributaries. The data collected by this Group and the availability of expert support provide an exceptional resource that should be leveraged in moving forward with any revision of objectives or changes to the Basin Plan related to potential algal impairments.
- h. Item 9 (develop criteria for wetlands impact mitigation). As the Regional Board is currently conducting an inventory of the location, size, and status of existing wetlands throughout the Region, a working group convened to review available information and to assist the Regional Board in developing a Basin Plan amendment for the protection of wetlands within the Region may be appropriate.
- i. Items 17 (add narrative on implementation procedures for narrative turbidity and toxicity objectives) and 22 (develop waste discharge prohibitions for excessive sedimentation resulting from controllable water quality factors). These items have the potential to impact discharges of sediment within the region, and may be related to the Newport Bay Sediment TMDL (contained as part of Item 3). A watershed-specific plan developed in this context may provide a foundation for a comprehensive regional approach.

- 2) 13241 factors - The 2002 Triennial Review List included an item to "consider Water Code Section 13241 factors in relation to compliance with water quality objectives during wet weather (especially costs and need for housing)". This item was ranked fourth in 2002 and has not been completed. It should be reinstated on the 2006 Priority List and be given a high priority. The water quality objectives in the Basin Plan were developed without due consideration of these factors and that the Basin Plan does not contain the required program of implementation.
- 3) TMDL Development - Item 3 (TMDL Basin Plan amendments, newly adopted or revised) and Item 5 (Triennial reviews of adopted TMDLs) should be clarified and provide sufficient resources to include a review of beneficial uses and water quality objectives during the TMDL development process and prior to finalizing TMDLs. Both the State Water Resources Control Board (SWRCB) guidance "Water Quality Control Policy for Addressing Impaired Waters: Regulatory Structure and Options" adopted in June 2005 and the recommendations of the National Research Council prior to TMDL development support this approach. The SWRCB guidance provides for a review of the appropriateness of the standards and uses at the beginning of the TMDL development process. In 2001, the NRC recommended that States revisit and refine beneficial use designations and consider conducting use attainability analyses (UAAs) as appropriate prior to the development of TMDLs, and that they formulate water quality criteria to recognize natural variability and to incorporate frequency, magnitude, and duration aspects. This intent is reflected in Item 6 (Consider revisions to SHEL beneficial use definition and re-designation of appropriate waters) and should be applied to all similar situations in the Triennial Review.

We appreciate the opportunity to comment on the Regional Board's initial draft 2006 Triennial Review Priority List, and we look forward to working with the Board to address key basin planning issues. Please contact me at (714) 834-6662 or Amanda Carr at (714) 567-6367 if you would like to discuss these comments. We will also be available at the workshop.

Very truly yours,



Chris Crompton, Manager
Environmental Resources

Cc: Larry McKenney